

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GAY SANTARSIERO, LORI  
MADDOX, LINDA SQUADRITO,  
FRANCES FRANCIONE, ARDIS  
BALIS, AND ANNE MARIE  
PETRILLI,

Plaintiffs,

v.

Case No: 2:20-cv-00435-FtM-29NPM

JOHN MARTIN, LOU FRANCO,  
ALEX CHEPURNY, SHERYL  
FRANCO, and SUSAN PERRIER,

Defendants.

---

**ORDER**

This matter comes before the Court on review of the file. On January 19, 2021, plaintiffs Gay Santarsiero, Lori Maddox, Linda Squadrito, Frances Francione, Ardis Balis, and Anne Marie Petrilli (plaintiffs) filed a Second Amended Complaint (SAC), asserting federal jurisdiction on the basis of diversity of citizenship, 28 U.S.C. § 1332(a)(2). (Doc. #44, ¶¶ 1-4.) Defendants John Martin, Lou Franco, Alex Chepurny, Shery Franco, and Susan Perrier (defendants) filed a motion to dismiss the SAC, which the Court granted in part and denied in part. (Doc. #53.) The pro se plaintiffs were directed to "show cause within (14) fourteen days why the \$75,000 jurisdictional amount is satisfied as to this count [XI]." (Id., p. 35.) On July 22, 2021, plaintiffs timely filed

their "Show Cause" to establish that the jurisdictional amount was "more than met." The Court, however, found that plaintiffs failed to demonstrate the amount in controversy exceeds \$75,000 as to their sole remaining conversion (Count XI) claim. On December 20, 2021, the Court therefore granted defendants' Motion to Dismiss plaintiff's Second Amended Complaint for lack of subject matter jurisdiction. (Doc. #62.) The pro se plaintiffs were advised that the Court was giving them one more opportunity to show cause within fourteen days why the \$75,000 jurisdiction amount was satisfied as to Count XI. (Id., p. 5.)


Upon review of the file, it has come to the Court's attention that plaintiffs have not responded within the allotted time to show cause why the diversity jurisdiction amount is satisfied. See See Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1261 (11th Cir. 2000) ("When jurisdiction is premised on the diversity of the parties, the court is obligated to assure itself that the case involves the requisite amount in controversy."). Accordingly, the Court finds that the Second Amended Complaint fails to adequately allege the amount in controversy exceeds the required amount of \$75,000. Therefore, the Court lacks diversity jurisdiction over this case and the Second Amended Complaint is dismissed without prejudice.

Accordingly, it is hereby

**ORDERED:**

1. The Second Amended Complaint (Doc. #44) is **DISMISSED** without prejudice.
2. The Clerk shall enter judgment, terminate all deadlines, and close the case.

**DONE** and **ORDERED** at Fort Myers, Florida, this 4th day of February, 2022.

  
\_\_\_\_\_  
JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Parties of Record